

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Wanda Duryea, Matthew Hosking,
John McKee, Lisa Melegari, Michael Reilly,
Sandra Steffen, Paul Glantz, Edwin Blakey,
Jennifer Sullivan, Lisa Axelrod, Anbessa Tufa,
and Christina Hall,

Plaintiffs,

v.

Agri Stats, Inc., Clemens Food Group, LLC,
Hormel Foods Corporation, Indiana Packers
Corporation, JBS USA, Seaboard Foods, LLC,
Smithfield Foods, Inc., Triumph Foods, LLC,
and Tyson Foods, LLC,

Defendants.

Civil No. 18-cv-1776 (JRT/HB)

**ORDER ON STIPULATION
TO EXTEND TIME AND
TO ACCEPT SERVICE
OF COMPLAINTS**

This matter comes before the Court on the Stipulation to Extend Time and to Accept Service of Complaints (ECF No. 47), entered into by the parties in this action. In addition to the above-captioned case, a number of other related civil actions have been filed in this district (the “Actions”). The Actions include: *Maplevale Farms, Inc. v. Agri Stats, Inc., et al.*, Case No. 18-CV-1803 (PJS/SER) (D. Minn.), *John Gross and Company, Inc. v. Agri Stats, Inc., et al.*, Case No. 18-CV-1810 (JNE/TNL) (D. Minn.), *Sandee’s Bakery v. Agri Stats, Inc.*, Case No. 18-CV-1891 (JRT/SER) (D. Minn.), *Ferraro Foods, Inc., et al. v. Agri Stats, Inc., et al.*, Case No. 18-CV-1946 (WMW/SER) (D. Minn.), *Litterer, et al. v. Agri Stats, Inc., et al.*, Case No. 18-CV-2008 (SRN/BRT) (D. Minn.), *Realdine v. Agri Stats, Inc. , et al.* Case No. 18-CV-2044 (PAM/LIB) (D. Minn.), *Olean Wholesale Grocery*

Cooperative, Inc. v. Agri Stats, Inc., et al., Case No. 18-CV-2058 (PJS/BRT) (D. Minn.), and *Bear's Restaurant Group, et al. v. Agri Stats, Inc., et al.*, Case No. 18-CV-2113 (SRN/SER) (D. Minn.).

According to the Stipulation (ECF No. 47), so as to preserve both party and judicial resources, Plaintiffs Wanda Duryea, Matthew Hosking, John McKee, Lisa Melegari, Michael Reilly, Sandra Steffen, Paul Glantz, Edwin Blakey, Jennifer Sullivan, Lisa Axelrod, Anbessa Tufa, and Christina Hall (“Plaintiffs”) and defendants Agri Stats, Inc., Clemens Food Group, LLC, Hormel Foods Corporation, Indiana Packers Corporation, JBS USA, Seaboard Foods, LLC, Smithfield Foods, Inc., Triumph Foods, LLC, and Tyson Foods, Inc. (collectively, “Stipulating Defendants”) have reached agreement on certain deadlines regarding the filing of any consolidated amended complaints (“CACs”) in this district, the acceptance of service related thereto, and an extension of time to answer or otherwise respond to any complaints in the Actions, including this action.

After consideration of the Stipulation (ECF No. 47), and all of the files, records, and proceedings in this case, **IT IS HEREBY ORDERED THAT:**

1. Except as provided in paragraph 4 of this Order, Stipulating Defendants are not required to respond to the complaints that have been filed in this action, even if a Stipulating Defendant has been served with the complaint or agreed to accept service of the complaint in this action.

2. Stipulating Defendants agree to accept service of the complaints in this action with which they have not yet been formally served as well as any CAC(s) and any future

related complaints by electronic mail on the respective counsel for each Stipulating Defendant identified in the Stipulation.

3. Plaintiffs will file any CAC(s) in this matter on or before **August 17, 2018**.

4. Stipulating Defendants shall answer, move or otherwise respond to any CAC(s) within 60 days following the filing and service under the terms of the Stipulation (ECF No. 47) of the latest-filed CAC on the last Defendant or **October 1, 2018**, whichever is later.

5. A Stipulating Defendant's entry into the stipulation underlying this Order shall not constitute a waiver by any Stipulating Defendant of (a) any jurisdictional defenses that may be available, (b) any affirmative defenses under Rule 8 of the Federal Rules of Civil Procedure or otherwise, or (c) any other statutory or common law defenses that may be available to the Defendants in this or any other action.

6. Stipulating Defendants will accept service of process for any CAC(s) by CM/ECF or by email as set forth in the Parties' Stipulation.

7. Counsel for each Stipulating Defendant that has been served, as of the date of this Order, with a complaint either through formal service or as provided in paragraph 2 of this Order, will file a notice of appearance on behalf of their respective clients no later than **July 27, 2018**.

Dated: July 27, 2018

s/ Hildy Bowbeer
HILDY BOWBEER
United States Magistrate Judge